



COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY

September 23, 2022

Via ECF

Hon. James M. Wicks
United States District Court
100 Federal Plaza
Central Islip, New York 11722

Re: *Henry v. County of Nassau, et al.*,
Case No. 17-CV-6545 (GRB)(JMW) and
Fusco v. County of Nassau, et al.,
Case No. 19-CV-04771 (ERK)(JMW)

Dear Magistrate Judge Wicks:

This office represents defendants in the two above-referenced actions, in which discovery has been combined. I am writing to apologize for a misunderstanding involved in the Court's order for defendants to provide, for *in camera* inspection, the "Findings and Recommendations" documents that were withheld from production on grounds of the attorney-client privilege, and also the deliberative process privilege. On July 12, 2022 defendants moved for a protective order for two prongs of discovery, first, for the supplemental pages to pistol license applications, and second, for the Findings and Recommendations. Your Honor issued an order on September 7, 2022 granting in part and denying in part that motion. Specifically, the Court directed defendants to turn over the supplemental materials and directed defendants to provide the Findings and Recommendations for *in camera* review. I immediately forwarded this order to the Police Department's Legal Bureau.

On September 13, 2022 defendants filed a motion for reconsideration of the Court's September 7, 2022 order, but only as to the supplemental materials portion of the order. However, my contact at the Police Department's Legal Bureau interpreted my motion as enacting a stay of discovery as to both prongs of the motion pending the Court's determination of the motion for protective order as a whole. By order filed September 22, 2022 Your Honor ordered defendants to produce the Findings and Recommendations for *in camera* review by September 26, 2022.

However, I will be out of the office in observance of the Jewish holiday of Rosh Hashanah on September 26 and 27, 2022 and, in the interim, anticipate that the Police Department's Legal Bureau will locate and send me the 127 subject Findings and Recommendations, which I can then forward to Your Honor by September 30, 2022. Therefore, defendants respectfully request that the time to deliver the Findings and Recommendations for *in camera* review be extended to September 30, 2022.

Again, I apologize for any misunderstanding on the parts of defendants. As always, defendants thank Your Honor for your attention and consideration in this matter.

Respectfully submitted,

/s/ Ralph J. Reissman
RALPH J. REISSMAN

cc: (Via ECF) Robert La Reddola
Attorney for Plaintiffs